



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

MAR 25 2003

MARSHALL, GERSTEIN & BORUN
6300 SEARS TOWER
233 SOUTH WACKER
CHICAGO IL 60606-6357

10

In re Application of :
Peter Mühlradt et al :
Serial No.: 09/716,778 : PETITION DECISION
Filed: November 20, 2000 :
Attorney Docket No.: 29473/11899 :

This is in response to applicant's petition under 37 CFR 1.103, filed October 15, 2001, to suspend prosecution of the above identified application for three months.

Applicant seeks suspension of the examiner's action on this application for a period of three months in order to provide a more accurate translation of the specification from German.

BACKGROUND

This application was filed October 15, 2000, and a Missing Parts letter requiring an English translation of the specification was mailed to applicants on March 5, 2001. A response thereto was filed May 10, 2001. This petition was filed five months later requesting a three month suspension in order to provide a more accurate translation of the specification.

DISCUSSION

37 CFR 1.103. Suspension of action.

(a) Suspension of action by the Office will be granted for good and sufficient cause and for a reasonable time specified upon petition by the applicant and, if such cause is not the fault of the Office, the payment of the fee set forth in §1.17(I). Action will not be suspended when a reply by applicant to an Office action is required.

M.P.E.P. 709 relates to suspension of action in an application. 37 CFR 1.103 permits the Office to suspend action upon petition by applicants for **good and sufficient cause** (emphasis added). Applicants' requested three month suspension period, if it runs from the date of filing of the request, has now expired. The examiner has not yet taken up the application for action, but is expected to do so shortly. In the 16 months since the petition was filed no papers or new translation have been filed although there has been ample time to do so. Applicants' request is based on alleged poor or mistranslations of terms in the specification, but no examples thereof have been provided.

DECISION

The petition to suspend action is DENIED. It appears that applicants have had ample time without any additional suspension of time to address the reasons for the request noted above.

The application will be forwarded to the examiner of record for further consideration not inconsistent with this decision.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703)308-3824 or by facsimile transmission at (703) 305-7230.

John Doll
Director, Technology Center 1600

A handwritten signature in black ink, appearing to read 'John Doll', is written over the printed name and title.